

Notice of Allowability

Application No.

09/928,463

Examiner

David Guzo

Applicant(s)

LIU ET AL.

Art Unit

1636

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 5/24/04.
2. ☒ The allowed claim(s) is/are 98-106, 109-119, 122-125, 131-134 and 138-141.
3. ☒ The drawings filed on 16 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 8/2/04.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Monica R. Gerber on 8/2/04.

The application has been amended as follows:

In the **Specification**:

On Page 10, replace the Brief Descriptions of Figures 2, 3 and 4 with the following:

Figure 2 (Parts A-B) is a diagram of the unmodified baculovirus transfer plasmids pAcP(+)*IE1-3* and pAcP(-)*IE1-6*.

Figure 3 (Parts A-B) is a diagram of the baculovirus transfer plasmids modified to produce sense and antisense transcripts from an inserted DNA segment, prior to insertion of the DNA segment. These plasmids are referred to as *IE1-3.dsRNA* and *IE1-6.dsRNA*.

Figure 4 (Parts A-B) is a diagram of the baculovirus transfer plasmids modified to produce sense and antisense transcripts from an inserted DNA segment corresponding to a portion of the *para* gene, following insertion of the DNA segment.

On Page 11, replace the Brief Description of Figure 8 with the following:

Figure 8 (Parts A-B) presents sequences incorporated into modified baculovirus transfer plasmids and sequences of primers used to amplify portions of target genes.

In the Claims:

Claim 131. (Currently amended) A method of controlling insects, the method comprising the step of: contacting a cell in an insect with a first ribonucleic acid (RNA) whose sequence corresponds to at least a portion of at least one gene endogenous to the insect, wherein the first ribonucleic acid hybridizes either with itself or with a second ribonucleic acid with which the cell is also contacted, thereby forming a double-stranded structure within the cell that inhibits expression of at least one gene expressed in the cell, wherein the step of contacting comprises contacting the insect with a baculovirus, and wherein the first RNA is expressed within 6 hours after the insect is contacted with the baculovirus, thereby controlling said insect.

132. (Currently amended) A method of controlling insects, the method comprising the step of: contacting a cell in an insect with a first ribonucleic acid (RNA) whose sequence corresponds to at least a portion of at least one gene endogenous to the insect, wherein the first ribonucleic acid hybridizes either with itself or with a second ribonucleic acid with which the cell is also contacted, thereby forming a double-stranded structure within the cell that inhibits expression of at least one gene expressed in the cell, wherein the step of contacting comprises contacting the insect with a baculovirus, and wherein the RNA is expressed substantially in the absence of viral replication, thereby controlling said insect.

133. (Currently amended) A method of controlling insects, the method comprising the step of: contacting a cell in an insect with a first ribonucleic acid (RNA) whose sequence corresponds to at least a portion of at least one gene endogenous to the insect, wherein the first ribonucleic acid hybridizes either with itself or with a second ribonucleic acid with which the cell is also contacted, thereby forming a double-stranded structure within the cell that inhibits expression of at least one gene expressed in the cell, wherein the step of contacting comprises contacting the insect with a baculovirus, and wherein the baculovirus does not establish a productive infection, thereby controlling said insect.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Guzo, Ph.D., whose telephone number is (571) 272-0767. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Irem Yucel, Ph.D., can be reached on (571) 272-0781. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID GUZO
PRIMARY EXAMINER

David Guzo
August 2, 2004